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C O N F I D E N T I A L LISBON 000162

SIPDIS

DEPARTMENT FOR DRL, IO

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TAGS: [PHUM](#) [PREL](#) [UN](#) [PO](#)

SUBJECT: PORTUGUESE FOLLOW GERMAN STRATEGY FOR UN UNIVERSAL
PERIODIC REVIEW OF HUMAN RIGHTS

REF: 08 STATE 130829

¶1. (C) SUMMARY: Portugal is preparing for a December Universal Periodic Review (UPR) by the UN Human Rights Council (HRC). Portuguese MFA Director for Human Rights Sara Martins outlined Portugal's plan to consult with NGOs, coordinate a unified GOP response, and prepare for the HRC Review in December. She noted that Germany and Russia established different strategies for responding to the HRC's inquiries, and said Portugal planned to follow the German model with "murder boards" and one well-prepared spokesperson to represent the government position. Martins added that the U.S. decision to return to the HRC and close Guantanamo by January 2010 would greatly enhance the tenor going into the UPR in 2010. End summary.

¶2. (C) Portuguese MFA Director for Human Rights Sara Martins told us that Portugal had begun consultations over a year ago to formulate a proactive strategy for its Universal Periodic Review (UPR) in December 2009. She said the MFA was busily organizing a first draft of the GOP's report on its progress, and planned to meet with interested NGOs in April to discuss the draft and solicit input from civil society. According to Martins, the German government advised that the Portuguese follow this "strawman" approach rather than just asking for NGO feedback generally. She said the NGOs were able to offer better suggestions when presented with a framework and recommended that the USG consider a similar approach next year.

¶3. (C) After the initial NGO outreach, Martins said the MFA planned to meet with the Portuguese Parliament's First Committee, which addresses human rights issues, to encourage additional GOP input into the report. Although the Parliament may not have significant input, she said the idea was to be as inclusive as possible to ensure a united front at the UN's review process. Likewise, Martins is working with senior officials at MFA to encourage interagency involvement, particularly from the Ministry of Interior, to respond to outstanding issues of excessive police force, prison conditions, and immigration. Martins admitted that the same problems that the USG highlights for Portugal in the annual human rights report are likely to be the areas of weakness cited by the UN officials.

¶4. (C) After the GOP submits its report to the UN in October, it will have two months to prepare for its hearing before the Human Rights Commission. Martins outlined two approaches - one recommended by Germany, the other by Russia - to respond to the panel's questions. The German model, she said, had the Deputy Foreign Minister as the head of delegation with representatives from other key agencies. After extensive "murder boards," the delegation was able to answer any of the key problem areas and could also respond to any issue mentioned in the NGO's report to the UN. The Deputy FM

addressed the Commission and took written responses from the rest of the delegation but was the only speaker. The Russian model, according to Martins, involved a bigger delegation of roughly twenty members, each speaking on his or her area of expertise. As a result, the UN Panel had a more complete answer, but this method made the Russian government appear to lack a coherent approach, Martins reported. The GOP is aiming to copy the German model and select one high-ranking MFA official, comfortable in English and with public speaking skills, to head the delegation. Unfortunately, the GOP will have just come out of legislative elections and will be establishing a new cabinet at that time, so Martins expressed concern that the MFA might not have a Foreign Minister in time to prepare properly for the review.

15. (C) Martins mentioned that Portugal will use the first twenty minutes of its hour-long question and answer section to outline the major human rights shortcomings and the strategies for addressing the issues. She said the advantage of using the initial remarks was that it allowed the government to control the direction of questions; conveyed a firm understanding of the issues; and limited the number of questions that the panel could ask in those areas. If the Review Panel asks about prison conditions, for example, Martins said the delegation could offer a brief answer, referring to the initial remarks rather than opening up to a question and answer series that could focus on Portugal's shortcomings.

16. (C) Regarding the US review in 2010, Martins predicted that the United States would benefit from its return to observer status with the Human Rights Council. She commented that it demonstrated U.S. interest and willingness to work

with UN human rights agencies. Martins predicted that the U.S. might even fare better than Canada did in its review if it is able to follow some of the strategic techniques used by other western nations to limit the damage and control the hearing.

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